



INDIANA STATE BOARD OF EDUCATION

To: Indiana State Board of Education

From: Chad E. Ranney, General Counsel

Date: November 10, 2021

RE: Approval of Governing Body Change – Wa-Nee Community School Corporation

Recommendation: Approve the proposed governing body plan

Pursuant to IC 20-23-8, Wa-Nee Community School Corporation's ("Wa-Nee") governing body adopted a resolution to amend/confirm its governing body plan on June 30, 2021. Subsequent to Wa-Nee adopting the resolution to amend/confirm its governing body, it submitted the attached materials for the Indiana State Board of Education's review and consideration. The materials included (1) the resolution adopted by Wa-Nee; and (2) the local publication information that includes the language of the governing body plan. The purpose for Wa-Nee's adoption of the resolution is that no one has been able to locate Wa-Nee's governing plan. The newly adopted governing body plan simply restates the manner in which Wa-Nee conducts its board elections. The resolution is not meant to change anything.

November 1, 2021

Admitted in Indiana
and Michigan

Thomas E. Warrick
Of Counsel

Gary D. Boyn
James V. Woodsmall
Cynthia S. Gillard
Randall G. Hesser
Timothy S. Shelly
Andrew M. Hicks
Dean E. Leazenby
Christopher T. Pottratz
Rachel A. Schnetzler*
Jamie R. Richardson**

*Not Admitted in Michigan
**Admitted Only in Illinois

Dr. Katie Jenner, Chair
Indiana State Board of Education
200 West Washington Street, Room 228
Indianapolis, Indiana 46204

RE: Wa-Nee Community Schools Governing Plan

Dear Dr. Jenner:

We represent Wa-Nee Community School Corporation. On June 28, 2021, the Wa-Nee Board of School Trustees adopted a resolution to amend/confirm its governing plan pursuant to Indiana Code 20-23-8. On June 30, 2021, notice of the resolution was published in the Wakarusa Tribune. The same notice was published in the Heartland News on July 1, 2021. A copy of the resolution and proof of publication are enclosed.

The reason for the adoption of this resolution is that no one has been able to locate Wa-Nee's governing plan. The governing plan has not been updated in several decades, and neither the school corporation, the Elkhart or Kosciusko County Clerk's Offices, the State Board of Education, nor the Secretary of State's Office has a copy of the governing plan. This newly adopted governing plan simply restates the manner in which Wa-Nee Schools has conducted its board elections. It is not meant to change anything, only to create a written plan to be kept in the records of all relevant offices.

The deadline for filing a petition opposing the plan was October 29, 2021. No petition was filed in either the Elkhart or Kosciusko County Clerk's Offices. The only remaining step in adopting the new governing plan is certification by the State Board of Education pursuant to Indiana Code 20-23-8-15.

We ask that the Board of Education approve the new governing plan at its December 1, 2021 meeting. If you need any additional information or documents from me, please contact me at (574) 294-7491 or cpottratz@warrickandboyn.com.

Sincerely,



Christopher T. Pottratz

CTP/afs

Enclosures

RESOLUTION

WHEREAS, Indiana Code 20-23-8 provides that a school corporation may amend its governing plan; and

WHEREAS, the statute provides that amendment of the governing plan may be initiated by a resolution of the governing body.

NOW, THEREFORE, BE IT RESOLVED by the Board of School Trustees of the Wa-Nee Community Schools that the Plan of School Organization of the Wa-Nee Community Schools adopted by appropriate resolution and approved and certified by the Indiana State Board of Education is hereby amended and restated as follows:

- (1) The Board of School Trustees of Wa-Nee Community Schools shall be composed of seven (7) members, and each member of said Board as it is now constituted shall continue as a member until his or her respective term of office expires.
- (2) The Board of School Trustees of the Wa-Nee Community Schools shall be elected in conformance with the provisions of I.C. 20-23-4 as follows:
 - a) All members of the Board of School Trustees shall be elected on a district-wide basis, with each qualified voter in the school district privileged to cast a ballot for one candidate for each vacancy to be filled.
 - b) There shall be one (1) member residing in each of the following areas:
 - Olive Township
 - Harrison Township
 - Locke Township
 - Union Township
 - That part of Kosciusko County (Scott-Jefferson) included in the school district
 - c) The remaining two (2) members may reside anywhere within the school district.
 - d) The election of members of the Board of School Trustees shall be held at the time of the general election at which County Officials are elected.

- e) The election of members of the Board of School Trustees shall be a non-partisan ballot.
- f) Filings for election to the Board of School Trustees shall be by petition method with each petition to bear the signatures of the candidate and at least ten (10) other registered voters residing within the boundaries of the Community Schools.
- g) Vacancies occurring on the Board of School Trustees shall be filled by appointment, which appointment shall be by the majority vote of the remaining members of the Board of School Trustees. The appointed member shall serve the remainder of the unexpired term until his successor is elected to that office. If there is a tie vote or if such appointment is not made within thirty (30) days it shall be made by the Judge of the Circuit Court in accordance with present law.

- (3) The terms of office of the members of said Board of School Trustees shall be on a staggered basis to insure continuity in the conduct of the business and affairs of said Board. Four (4) members shall be elected in the general election held in November, 2022, for a term of four (4) years, such term of office to commence on January 1, 2023, and to expire and terminate on December 31, 2026.

Three (3) members shall be elected in the general election held in November 2024, for a term of four years, such term of office to commence on January 1, 2025, and to expire and terminate on December 31, 2028.

In each subsequent election all members elected to said Board of School Trustees shall be for a four (4) year term, such term to begin and commence on January 1st next following their election to said Board of School Trustees.

- (4) The limitations and qualifications of members of the Board of School Trustees are as follows:
- a) Residential Qualifications:
 - (1) A registered voter and twenty-one (21) years of age.
 - (2) A resident of the School Board member electoral area in which he/she resides within the Wa-Nee Community Schools for a minimum period of one (1) year and of the

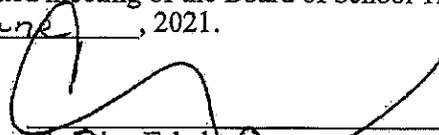
State of Indiana for two (2) years immediately prior to the election.

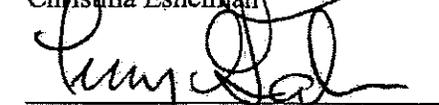
- b) No member of the Board of School Trustees shall be an employee of the school corporation. Any employee elected to serve as a member of the Board of School Trustees shall resign their employment with the school corporation the day following the election.
 - c) No member of the Board of School Trustees shall hold any other public elected office.
- (5) The Board of School Trustees shall organize itself at its first regular meeting in January of each year by electing the following officers:
- a) A president
 - b) A vice-president
 - c) A secretary

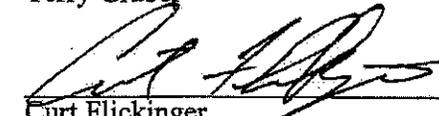
The election of the aforesaid officers shall be in accordance with the laws of the State of Indiana as may be promulgated for such purpose from time to time.

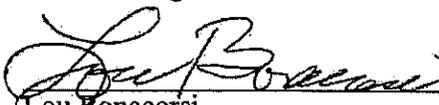
- (6) The Board of School Trustees of said Wa-Nee Community Schools shall have the rights, powers, duties, and liabilities vested in the governing body of a School Corporation under the laws of the State of Indiana.
- (7) Each member of said Board of School Trustees shall receive such remuneration and compensation for serving on said Board of School Trustees as set by said Board annually, and within the limits provided by law.
- (8) The Plan of School Board Organization set forth herein shall hereafter constitute and be the Plan of the Board of School Trustees of said Wa-Nee Community Schools, and all prior Plans are repealed upon the adoption of this Plan.
- (9) This Resolution and the Plan set forth herein shall be in full force and effect upon its adoption pursuant to I.C. 20-23-8.

Duly passed and adopted at a duly constituted meeting of the Board of School Trustees of Wa-Nee Community Schools this 28 day of June, 2021.


Christina Eshelman


Terry Graber


Curt Flickinger


Lou Bonacorsi


Todd Gongwer

Shawn Johnson

Don Lehman

WAKARUSA TRIBUNE

Invoice

P. O. Box 507
Wakarusa, IN 46573

| | |
|-----------|-----------|
| Date | Invoice # |
| 6/30/2021 | 8701 |

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|---|
| Bill To: |
| Wa-Nee Community Schools Randi Libby 1300 N. Main St. Nappanee, IN 46550 |

| | |
|--------|-----------|
| Terms | Due Date |
| Net 15 | 7/15/2021 |

| Item | Description | Amount |
|-------|---|--------|
| Legal | Resolution - Plan of School Organization Amendment Published June 30, 2021 | 72.59 |

| | |
|------------------------------|----------------------|
| Thank you for your business. | Total \$72.59 |
|------------------------------|----------------------|

| | |
|-------------------------|--------------|
| E-mail | 574-862-2179 |
| Wakarusatribune@aol.com | |

LEGAL NOTICE

The Board of School Trustees of Wa-Nee Community Schools has adopted the following Resolution to amend its Plan of School Organization. Any registered voter residing within the Wa-Nee Community Schools has the right to file a petition for alternative plans or a petition protesting the adoption of the plan.

RESOLUTION

WHEREAS, Indiana Code 20-23-8 provides that a school corporation may amend its governing plan; and

WHEREAS, the statute provides that amendment of the governing plan may be initiated by a resolution of the governing body.

NOW, THEREFORE, BE IT RESOLVED by the Board of School Trustees of the Wa-Nee Community Schools that the Plan of School Organization of the Wa-Nee Community Schools adopted by appropriate resolution and approved and certified by the Indiana State Board of Education is hereby amended and restated as follows:

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(2) The Board of School Trustees of the Wa-Nee Community Schools shall be elected in conformance with the provisions of I.C. 20-23-4 as follows:

a) All members of the Board of School Trustees shall be elected on a district-wide basis, with each qualified voter in the school district privileged to cast a ballot for one candidate for each vacancy to be filled.

b) There shall be one (1) member residing in each of the following areas:

- Olive Township
Harrison Township
Locke Township
Union Township
That part of Kosciusko County (Scott-Jefferson) included in the school district

c) The remaining two (2) members may reside anywhere within the school district.

d) The election of members of the Board of School Trustees shall be held at the time of the general election at which County Officials are elected.

e) The election of members of the Board of School Trustees shall be a non-partisan ballot.

f) Filings for election to the Board of School Trustees shall be by petition method with each petition to bear the signatures of the candidate and at least ten (10) other registered voters residing within the boundaries of the Community Schools.

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b) No member of the Board of School Trustees shall be an employee of the school corporation. Any employee elected to serve as a member of the Board of School Trustees shall resign their employment with the school corporation the day following the election.

c) No member of the Board of School Trustees shall hold any other public elected office.

State of Indiana Elkhart County

Personally Appeared Before Me The Undersigned:

Nancy Nich

Legal Clerk of the WAKARUSA TRIBUNE, a public newspaper of general circulation, published in the city of Wakarusa in the County aforesaid, who being duly sworn, upon her oath saith, that the notice of which she attached is the true copy, was duly published in the Wakarusa Tribune for:

XX One TWO THREE

times successively to-wit:

On the 30th day of June, 2021, and

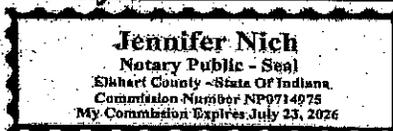
On the ___ day of ___, 2021 and

On the ___ day of ___, 2021

[Signature]

Subscribed & Sworn To Before Me This 30th day of June, 2021

Jennifer Nich



CHARGES: \$ 72.59

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The election of the aforesaid officers shall be in accordance with the laws of the State of Indiana as may be promulgated for such purpose from time to time.

(6) The Board of School Trustees of said Wa-Nee Community Schools shall have the rights, powers, duties, and liabilities vested in the governing body of a School Corporation under the laws of the State of Indiana.

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Advertising Receipt

The Pilot News Group

PO Box 220
Plymouth, IN 46563

Phone: 574-936-3101

Fax: 574-936-7491

Wa-Nee:Community Schools :

LEGALS

1300 N. Main St

Nappanee , IN 46550

Acct #: 05506722

Ad #: 00325473

Phone: (574)773-3131

Date: 06/23/2021

Ad taker: grx Salesperson: SS

Sort Line: 325473 Notice

Classification: 118

| Description | Start | Stop | Ins. | Cost/Day | Total |
|-----------------|------------|------------|------|----------|--------|
| WC Weekly Class | 07/01/2021 | 07/01/2021 | 1 | 137.28 | 137.28 |
| IN Internet | 07/01/2021 | 07/01/2021 | 1 | | 0.00 |

Ad Text:

Total: 137.28

Tax: 0.00

Net: 137.28

Prepaid: 0.00

Total Due 137.28

Wa-Nee Community School
Marshall County, Indiana

To: Heartland News
Bremen, Indiana

PUBLISHER'S CLAIM

LINE COUNT
 118
Heartland Legals

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Duly passed and adopted at a duly constituted meeting of the Board of School Trustees of Wa-Nee Community Schools this 28th day of June, 2021.

July 1, 2021 HNS25473 hepaxp

Date: July 1, 2021

Signature _____